

REMARKS/ARGUMENTS

Claims 1-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,118,773 to Todd (hereinafter “Todd”) in view of U.S. Patent No. 6,628,733 to Tomiyoshi et al. (hereinafter “Tomiyoshi”). For the following reasons, the rejection is respectfully traversed.

Regarding claims 1 and 5, Todd in view of Tomiyoshi does not teach, suggest or otherwise render obvious that “first base station information is included in the signal which is sent from the first base station and received at said first antenna,” and that “second base station information is included in the signal which is sent from the second base station and received at said second antenna” and “selecting one of said first antenna and second antenna at a higher received field strength based on the first received field strength of the signal including the first base station information and the second received first strength of the signal including the second base station information,” as required. According to Todd, “a communication signal is received at both the main antenna 20 and the diversity antenna 25,” (column 4, lines 10-11). Thus, Todd only teaches a single signal being received by both antennas (20, 25). Therefore, Todd clearly does not teach first and second antennas receiving signals from two different base stations, as required by claims 1 and 5. Likewise, Tomiyoshi does not disclose that its two antennas (A, B) receive signals from two different base stations. Moreover, the teachings of Tomiyoshi relate to combining the signals received from each of the antennas (A, B) to perform RAKE reception. One of ordinary skill would appreciate that this technique would not apply to signals received from two different base stations. Therefore, for at least the above reasons, the limitations

involving two antennas, two signals and two base stations in claims 1 and 5 are not taught or suggested by the references as cited by the Examiner.

Claims 1 and 5 were further rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,561,673 to Takai et al. (hereinafter "Takai") in view of U.S. Patent Application Publication No. 2002/0119808 A1 to Seiki (hereinafter "Seiki"), and further in view of Tomiyoshi. For the following reasons, the rejection is respectfully traversed.

Regarding claims 1 and 5, Takai in view of Seiki and further in view of Tomiyoshi does not teach or suggest "selecting one of the first and second antennas *at a higher received field strength* based on reception environment information stored in said information storage unit immediately *prior to start of a phone conversation* when a transition is made from standby mode to the phone conversation," as required. As the Examiner acknowledges, Takai fails to disclose that the antenna selection is made prior to start of a phone conversation when a transition is made from standby mode to the phone conversation. Therefore, the Examiner relies on Seiki for teaching this limitation. However, Seiki teaches always selecting the same antenna during a voice call, not the one with a higher received field strength as required by claims 1 and 5.

Further, Applicants respectfully submit that it would not have been obvious at the time the claimed subject matter was invented to modify Takai in view of Seiki and Tomiyoshi to arrive at the claimed subject matter. Takai teaches a TDMA system in which a diversity receiver switches antennas *based on receive errors during a transmission*. As a result, the antenna switching of Takai cannot be accomplished before a voice call is made, since there would be not yet have been any reception in which errors could occur. Further, Applicants respectfully submit that it would not have been obvious to modify the TDMA system of Takai for use with a CDMA

system, such as that taught by Tomiyoshi. The diversity switching taught by Tomiyoshi performs a RAKE reception, in which all of the received data from *both antennas* is assembled to form a complete transmission. In contrast, the diversity receiver of Takai includes a switching unit for selectively switching to *one* of a plurality of antennas. Therefore, it would not be possible to perform the RAKE reception taught by Tomiyoshi, which requires signals from both antennas, if only one antenna is selected according to the teachings of Takai. Therefore, for at least the above reasons, it is respectfully submitted that a *prima facie* case of obviousness has not been established sufficient to support an obviousness rejection under 35 U.S.C. 103(a).

For all of the above reasons, claims 1 and 5 are patentable over Takai in view of Seiki and further in view of Tomiyoshi.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appl. No. 10/758,170
Amdt. dated July 2, 2007
Reply to Office action of April 3, 2007

If there are any fees resulting from this communication, please charge same to our
Deposit Account No. 16-0820, our Order No. 36375.

Respectfully submitted,
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